

On June 7, 2013, the parties filed a joint “Stipulation,” signed by the parties and the Director’s attorney, and waiving hearing.

By regulation, we may issue a decision without a hearing when the parties file stipulated facts, signed by the parties and their attorneys, and waive hearing before this Commission. 1 CSR 15-3.446(3).<sup>1</sup> Accordingly, we base our findings of fact on the parties' stipulation.

### **Findings of Fact**

1. Keith Willis' application for entrance into a basic training course was denied by the Director of the Department of Public Safety on January 22, 2013.

2. On or about December 21, 1993, Mr. Willis committed the crime of Stealing, a Class A misdemeanor, when he appropriated two containers of chewing tobacco from a Poplar Bluff Wal-Mart with the purpose to deprive it thereof and without its consent, in violation of § 570.030, RSMo (Supp. 1993).

3. On or about January 14, 1994, Mr. Willis committed the crime of Peace Disturbance, a Class B misdemeanor, when he unreasonably and knowingly disturbed and alarmed another person or persons by throwing a lit firework in his high school, causing a loud noise, in violation of § 574.010, RSMo (2000).

4. On or about March 13, 1997, Mr. Willis committed the crime of Assault in the Third Degree, a Class C misdemeanor, when he recklessly engaged in conduct that created a grave risk of death or physical injury to another person, and placed that person in apprehension of immediate physical injury, by intentionally striking another vehicle with his own, in violation of § 565.070, RSMo (Supp. 1996).

5. On or about March 13, 1997, Mr. Willis committed the crime of Property Damage, a Class B misdemeanor, when he knowingly damaged another's vehicle, in violation of § 569.120, RSMo (2000).

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<sup>1</sup> All references to "CSR" are to the Missouri Code of State Regulations, as current with amendments included in the Missouri Register through the most recent update.

6. On or about October 31, 1998, Mr. Willis committed the crime of Taking of Wildlife, a Class B misdemeanor, when he pursued a group of deer by spotlighting them with the aid of an artificial light, in violation of § 252.040, RSMo (2000).

7. On or about July 23, 2004, Mr. Willis committed the crime of Theft of Cable Television Service, a Class A misdemeanor, when he tampered with a cable box in order to obtain cable television service without paying all lawful compensation therefor, in violation of § 570.300, RSMo (Supp. 2003).

8. On or about July 23, 2004, Mr. Willis committed the crime of Possession of a Controlled Substance, a Class A misdemeanor, when he possessed marijuana, in violation of § 195.202, RSMo (2000).

9. On or about July 23, 2004, Mr. Willis committed the crime of Unlawful Use of Drug Paraphernalia, a Class A misdemeanor, when he possessed drug paraphernalia with the intent to introduce a controlled substance into his body, in violation of § 195.233, RSMo (2000).

### **Conclusions of Law**

We have jurisdiction under § 590.080.2, RSMo (Supp. 2012).

The Director is responsible for granting and denying applications for a peace officer license or entrance into a basic training course. § 590.100, RSMo (Supp. 2012). Section 590.100.1 provides that the Director “shall have cause to deny any application for a peace officer license or entrance into a basic training course when the director has knowledge that would constitute cause to discipline the applicant if the applicant were licensed.” Section 590.080.1(2) provides that the Director has cause to discipline a licensee who “has committed any criminal offense, whether or not a criminal charge has been filed [.]”

Here, the stipulated facts show that Mr. Willis committed criminal offenses: stealing, peace disturbance, assault in the third degree, property damage, taking of wildlife, theft of cable

television service, possession of a controlled substance, and unlawful use of drug paraphernalia. His conduct falls squarely under § 590.080.1(2). Therefore, the Director has cause under § 590.110.1 to deny him entrance into a basic training course.

### **Summary**

We find in favor of the Director.

The hearing presently scheduled for June 26, 2013 is canceled.

SO ORDERED on June 14, 2013.

\s\ Alana M. Barragán-Scott  
ALANA M. BARRAGÁN-SCOTT  
Commissioner